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**REGULAR MEETING of the PAINT CREEK TRAILWAYS COMMISSION
City of Rochester Municipal Offices
400 Sixth Street, Rochester, MI 48307**

CALL TO ORDER: The Tuesday, May 16, 2023 Regular Meeting was called to order by Chairperson Olijnyk at 7:00 p.m.

Voting Members Present: Brian Blust, Linda Gamage, Steve Sage, David Walker

Voting Alternates Present: Russell George, Dave Mabry

Non-Voting Alternates Present: David Becker, Martha Olijnyk

Voting Members Absent: Robin Buxar, Julia Dalrymple, Ken Elwert, Patrick Ross

Alternates Absent: Carol Morlan, Ann Peterson, Matt Pfeiffer, Aaron Whatley

Village of Lake Orion Non-Voting Member Absent: Jason Peltier

Village of Lake Orion Non-Voting Alternate Absent: Jerry Narsh

Others Present: Tom Correll, Trail Manager, Eryn Grupido, Administrative Assistant, Louis Carrio, Friends of the Paint Creek Trail, Tanner Cartner, Orion Township Parks & Rec, observing the meeting on behalf of Orion Township, Sandi DiSipio, Recording Secretary

PLEDGE OF ALLEGIANCE: All rose and recited the Pledge.

APPROVAL OF AGENDA:

MOTION by Walker, seconded by Gamage, *Moved*, to approve the May 16, 2023 agenda as presented.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC COMMENT: Mr. Joshua Moo, 1471 Stony Creek, Rochester came forward and requested the Commission review the regulations regarding trail usage for electric mobility devices. In 2017 Michigan defined electric bicycles as non-motorized vehicles, which can now be used on the trail. Since COVID, there has been an increase in personal electric mobility devices – scooters and one-wheelers as a means of transportation. Currently, these PEV's are prohibited on our trail, but other trails allow them. He asked that the Commission reconsider and review this regulation. Mr. Moo provided a flyer relative to these devices. Chairperson Olijnyk thanked him for his comments and information, and feels it would be good for the Board to revisit this issue, and that we may need to talk to our attorney about how the different statutes work together. Mr. Becker agrees we should review the policy as they are becoming more popular. Mr. Moo said this can be done in a future meeting, but just wanted to bring it up to get the conversation started; Mr. Correll has his contact information. A question was asked about the range of speed for these devices, and Mr. Moo explained most are capped out at 20mph; the expensive ones can go 30mph. Ms. Gamage asked for suggestions on how to enforce a safe

speed limit for all users. Mr. Moo said the sheriffs on the trail could use a radar gun or a sign that flashes the speed. This item will be placed on a future agenda.

CONSENT AGENDA:

- a. Minutes – April 18, 2023 Regular Meeting, approve and file
- b. Treasurers Report – April 2023, receive and file

MOTION by George, seconded by Sage, *Moved*, to approve the Consent Agenda as presented.

Ayes: All Nays: None

MOTION CARRIED.

Chairperson Olijnyk introduced Mr. Tom Correll, the new Trail Manager, and welcomed him to the Commission. The members then introduced themselves.

APPROVAL OF INVOICES: Mr. Correll presented the list of invoices totaling \$6,203.73. In addition to the recorder’s fee, this amount includes credit card charges for GoToMeeting monthly fee, UPS shipment fees for brochure mailing to MI Welcome Center, dog waste bags, parking fee for PURE MI conference, engraved plate for recognition spike, business cards and nameplate for the new Trail Manager; payment to AEW for preliminary engineers estimate for SE Rochester Observation Deck, and payment to MMRMA for annual insurance. Estimated unrestricted fund balance is \$93,000.

MOTION by Blust, seconded by Mabry, *Moved*, that the invoices presented for payment are approved as presented in the amount of \$6,203.73 and orders be drawn for payment.

Roll Call Vote:

Ayes: Blust, Gamage, George, Mabry, Sage, Walker

Nays: None

MOTION CARRIED.

UPDATE: Dillman & Upton Fuel Tank & Fence: Mr. Correll indicated the Licensing Committee met with Messers. Upton and Mans on May 1st; they agreed they would not install the new fence, but agreed with the Committee’s request to fix the broken leaning sections of the existing fence. At their meeting, Ms. Olijnyk reiterated the Licensing Committee only makes recommendations, the Commission must make the final decision to approve/deny installing the additional fencing. Mr. Correll reached out to Mr. Upton on May 10th and offered to share progress with the Commission tonight about any update – they are working on the clean up. Mr. Walker stated he was out there just before the meeting today and walked the entire fence line as we were asking them to clean up the debris, e.g., broken fence slats, wood laying on our property. Most of the broken fence boards laying on our property or leaning on the fence have been removed. We’ve also asked them to repair or replace the broken fence slats but none of that work has been done. Ms. Gamage explained they also asked them to straighten the leaning fence sections and to clean the trash from the fence line that occurs when things blow off their property – this had just been done by the Adopt a Trail clean-up. The Committee also suggested if they were interested in shielding their parking lot from view, they could install some natural plantings, but they weren’t interested in that, only the additional fencing to add racking for storage on their side. Mr. Becker said he thought they said they would consider planting a screen of trees to block the fence. Ms. Olijnyk said they indicated at the meeting they would think about that, but when the Committee met with them on site after the meeting, they said they would not do that without the fence. Ms. Olijnyk said the recommendation of the Licensing Committee based on their meeting, is to again deny their request for a fence as they can’t keep up with the existing fence, and doesn’t know if the Commission would like to allow further items on our property including the racking system. Ms. Olijnyk doesn’t know what the Commission wants to do – continuing with the fence denial or considering their request; she would like to bring this to closure with a vote. Mr. Carrio asked if it’s possible for us to plant along our side of the trail on that property;

that would be an alternative. Ms. Olijnyk said this could be done. Mr. Walker said we need to bring closure to the Dillman & Upton's request to add the fence.

MOTION by Walker, seconded by Mabry, *Moved*, to deny their request to extend the fence and racking on our property under the licensing agreement, based on the unanimous recommendation of the licensing committee to deny.

Mr. Sage asked if the Motion could be amended to maintain cleaning of the debris and fixing the existing fence. Mr. Walker said this language is in the licensing agreement; the motion is only to bring closure to the request for the additional fence.

Vote on the Motion as stated:

Ayes: All Nays: None

MOTION CARRIED.

Dillman & Upton will be advised of the Commission's decision.

MEMO: Current Grants and Grant Opportunities for the Bridge 31.7 Replacement

Project: A summary memo was included in the packet, a lot of which was from Ms. Ford's previous memo. Community Foundation for Southeast Michigan Grant – A six-month extension was requested and granted, and the grant period is extended to October 27th. Oakland County Parks Trailways Grant – Mr. Correll has met with Rochester DPW Director Mizikar, who has requested this same extension. TAP Grant – Mr. Correll explained feedback has been received and he worked with AEW to update the application with more project details they requested. The consultant determined the bridge does not meet the requirement for eligibility on the National Register of Historic Places and the replacement project will have no adverse effect on a historic property. This information was sent to SHPO for review, and they indicated we may continue with the project; a letter was included in the packet. MNRTF Grant – application was submitted, final recommendation for funding due in early December. Mr. Correll stated feedback requests were received for an updated deed and boundary map; he worked with Kristen Wiltfang to create a new boundary map for the bridge parcel and resubmitted the documents May 11th. MI Spark Grant – application scores were received and included in the packet. Our scoring came back as Tier 4 and was not funded this round, but we can resubmit for the final round by July 26th. Mr. Correll will review our scores, adjust the grant in sections we may be able to improve upon and resubmit. The problem is they don't give you feedback or a reason why they scored the way they did. No update on the Ralph C. Wilson Fund, other than Rochester DPW Director Mizikar is applying for this grant. Mr. Correll has provided letters of support. No update on the Fisheries Habitat Grant; the Commission did not apply for the Land and Water Conservation Fund Grant.

UPDATE: SE Rochester Property: Mr. Correll indicated he spoke with Andrea LaFontaine, the contact for the donor, who provided background on the project. She received the project cost estimate and the lawyer is looking for is a visual design for the project in order to move forward. Ms. Olijnyk thought we had something previously, but is not sure which version of the project – it may be an earlier version with just the observation deck. Ms. Gamage is not sure we have a current drawing, but the design work was done to something – did AEW say they have the ability to produce an image. Mr. Correll has not asked them. Ms. Gamage suggested he ask, as they had to work from something to come up with the estimate. Mr. Correll will contact AEW.

UPDATE/DISCUSSION: 40th Anniversary Dates: Mr. Correll said the Committee has been working on this event. He received correspondence from the Village of Lake Orion that they are being strict about a 120 day event rule for new events. If we're thinking of hosting a part of the event in the Village, they need the application 120 days beforehand. There has been discussion of a 5k event in October or November – we don't want to miss this deadline. Mr. Blust indicated there has been a preliminary discussion, so it's probably best if the Committee meet again. Mr. Correll believes they were talking about a November date, so we need to decide the date and go from there. Mr. Correll will contact the AdHoc Committee to set up a meeting.

DISCUSSION/APPROVAL: June Field Trip Location: Mr. Correll is bringing this up as he understands it's something that happens annually. One idea is to visit the site of the bridge project, but he's open to any other suggestions. Ms. Olijnyk was thinking of the Village where there was a request regarding snow removal, and also to check out the area for planning the 40th Anniversary event. Another suggestion would be a visit to Paint Creek Junction so anyone who can't attend the National Trails Day event will be able to take a look at the site. After a short discussion, it was decided to visit Pant Creek Junction before next month's meeting. Our meeting could be moved to the Cider Mill that night.

MOTION by Blust, seconded by Mabry, *Moved*, to have the June Field Trip location at the Paint Creek Junction site, with our meeting held at the Cider Mill afterwards.

Ayes: All Nays: None

MOTION CARRIED.

The field trip will be at 6:00 p.m. June 20th, with the meeting commencing afterwards at the Cider Mill. Mr. Correll will make sure the Cider Mill room is available for the meeting. Ms. Olijnyk commented that the Field Trip must have a public notice posted as a quorum might be in attendance. The change in meeting location must also be posted per the Open Meetings Act.

MEMO: License Agreements: Ms. Olijnyk indicated the memo in the packet was prepared by Ms. Ford. Mr. Correll indicated he's still getting familiar with this issue. He's had discussions with the attorney about updating the existing agreements. Per the attorney, while staff was unable to locate all the relevant documents, we have no reason to believe that proper procedures were not followed when these license agreements were originally approved. Additionally, we have determined that at the time the Trail acquired the property, with the assistance of the State of Michigan, most of these license agreements were already in place. Therefore, we do not believe that updating these existing agreements will cause any additional issues. Ms. Olijnyk's understanding is that we needed to make sure all our licenses were in compliance, and if so, we could go ahead with updating them. Ms. Olijnyk is taking this information to mean the Licensing Committee and the Commission can move forward. Mr. Walker explained that all agreements need to be updated, not so much the language, but the economics of them. We were hopefully going to have our attorney facilitate renegotiating all the license agreements with some guidelines and parameters, and as a result, we had to wait as staff couldn't locate all the documents or the agreements and would continue to collect any information, so it's been a few years. It does appear that both Ms. Ford and the attorney have blessed the Commission proceeding. Mr. Walker suggested we get back to the attorney and reinvigorate her pursuit of renegotiating all the agreements and updating the economics of them. That was the original intent of this effort. A few years ago the Committee put together a spreadsheet of where we were and where we want to be. Ms. Gamage explained we also had a scale (dated two years ago), so the timing might need to be updated. Mr. Walker said the Committee will take a look at the spreadsheet to see how far it's off now. Chairperson Olijnyk added the Committee also needs to prioritize which agreements to start with.

MANAGER'S REPORT: Mr. Correll summarized his written report included in the packet; most of the items have already been discussed. There was a report of food waste rotting on the trail, Rochester Hills was notified and Park Ranger Dakota will monitor the area to try to identify the individual. A complaint was received today about grading on the trail. He also received a call from someone who was upset that we are having a garlic mustard pull; they didn't think we should be doing that. Mr. Correll talked about his onboarding training with staff. He's been meeting with various contacts, and getting up to speed on the grants. The bike patroller started this week. He's also started looking into the website redesign issue. Everything has been great so far. Ms. Olijnyk hopes it hasn't been too overwhelming, and said to feel free to reach out to any of the members for any assistance needed. Mr. Correll is excited and happy to be here.

COMMISSIONER REPORTS: The Commission members all welcomed Mr. Correll. Mr. Sage asked about the fuel tank at Dillman & Upton – Ms. Olijnyk reported the tank is gone, but the building is still there, but will be removed. Mr. Walker said as of today, the building is gone. Mr. George reported the trail counters were just installed, not much data received yet. Mr. Blust is looking forward to the discussion on electric mobility devices. Ms. Gamage suggested locating a counter at the SE Rochester property - it probably gets more use than imagined. She isn't sure if it's been decided to have the Recognition Ceremony at Trails Day or the ribbon cutting. The Recognition Committee will meet soon – Ms. Gamage asked that members send her names of people to be recognized. Perhaps the event could be held at the Bridge Walk.

ADJOURNMENT OF REGULAR MEETING:

MOTION by Gamage, seconded by Mabry, *Moved*, to adjourn the Regular Meeting at 8:20 p.m.
Ayes: All Nays: None **MOTION CARRIED.**

NEXT REGULAR MEETING: June 20, 2023 at 7:00 p.m. – City of Rochester Municipal Offices

Respectfully submitted,

TOM CORRELL, Trail Manager

DAVID BECKER, Secretary